THE
REVENUE REGISTER.

No. 3. MADRAS :—MONDAY, MARCH 16, 1874. [Vol. VIII.

THE AGRICULTURAL EXHIBITION AT SYDAPET.

Our readers will remember that as long ago as October last we drew their attention to a proposed Agricultural Exhibition at Sydapet, and published in our November number the proposed prize list and show-yard regulations. We must now endeavour, for the sake of our readers in the Mofussil especially, to give them some account of the Exhibition itself. The Exhibition was opened on Wednesday the 11th February, at 6 A. M., and remained open to the public for the two following days. Considering that this Exhibition was the first one of its kind held in India, and the great difficulty always experienced in inducing people to take in any new idea, especially in this land of "*mamool*," we think the Exhibition was a grand success. There is no doubt that much of its success must be attributed to the extraordinary exertions of Mr. Robertson himself, the very able and energetic Superintendent of the Government Farm, under whose personal superintendence the temporary buildings were run up, and all preparations made for the reception of animals, produce, &c. The Exhibition was held on the Government Farm grounds, and was approached from the Mount Road by a well covered foot-path, on emerging from which the visitor found himself in a lofty and spacious hall furnished with long tables, on which were ranged specimens of agricultural produce, such as rice and various other food-grains, gram, oil-seeds, gums, wax, fibres, green fodder, guinea-grass, paddy, lucerne, mucka cholum, &c., coffee, tea, and silk. Here, too, were one or two exhibits of excellent butter and ghee. The opposite end of this large hall led into a sort of rotunda open in the centre to the sky, and surrounded with pens containing turkies, geese, ducks, fowls, rabbits, pigeons, and all sorts of oddities, such as white mice, mungooses, and other little jungle animals. On two sides of this rotunda were small office-rooms for the Judges and the Committee, while from the fourth side the visitor passed on to four large parellel sheds, in which were exhibited oxen, ponies, asses, sheep, pigs, farm implements, and so on. Beyond these sheds again was a large, comfortable, well ordered tent where the Judges and Committee breakfasted in the midst of their labours. To attempt anything like a minute description of each article, or animal exhibited, or to enter into any speculations regarding the merits of the various classes of cows, heifers, poultry, &c., brought together, would be foreign to the scope of our journal, and would probably serve no good end. We will, how-

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ever, endeavour to give our readers some idea of what was exhibited.

In the shed nearest to the Judges' tent were shown agricultural instruments, models of picottahs, scales, wheelbarrows, farm carts, &c. There was a very nice little model of a Bangalore alternate picottah, in which one bucket descends while the other rises. Another model was of an alternate picottah worked with bullocks; and a third of a reciprocating picottah. In all these cases the evil of friction appeared to be the difficulty that would have to be encountered in practice, as well as the very large size of the circle the bullocks would have to describe when the well is deep and the water low. There were many excellent ploughs exhibited, nearly all of which were the property of the Experimental and Model Farms. Some of them were *bonâ fide* English ploughs; others were modifications of the English plough specially adapted to the different circumstances of India. In this same shed was a nice little collection of dairy implements exhibited by Mrs. Robertson: they were admirably adapted both to the object for which they were intended, and to the simple arrangements usual in India; while their spotless cleanliness would have done honour to the most elaborate dairy at home. Messrs. Oakes & Co., of Madras, contributed some fine garden chairs, garden umbrellas, tiffin and picnic baskets, and a variety of useful and quasi-agricultural articles. In the second shed were exhibited pigs and sheep. Some of the pigs were really very fine and in splendid condition. Of course, the Farm pigs were the finest, but they were "not competing;" but next to them, those exhibited by Mr. Alfred Arathoon were the best, and that gentleman accordingly carried off the 1st and 2nd prizes. On the other side of the shed was a fair display of sheep and goats, including some very fine white sheep and young lambs bred in the Farm. Three large white rams, Farm bred, were really wonderful for Indian animals, and were much larger than the donkeys which occupied the next stall. These rams were straight in the back, square built, and covered with an abundance of fine wool. Among the successful exhibitors of sheep was Dr. Shortt, the well-known Superintendent-General of Vaccination: he obtained prizes for rams of the Patna, Bussorah, Bellary, and Mysore breeds. A native from Vencatagherry brought a formidable looking fighting ram, which was, however, not eligible for any prize. In the next shed there were some very poor specimens of cows and buffaloes, such as one daily meets with in the streets of Madras, which could hardly have been expected, even by their owners, to win any prize or honourable mention. It was a relief to turn to the really splendid Nellore cattle, many of which had been walked by their enterprizing owners all the way from Nellore. The excellence of the cattle is best evidenced by the fact, that for bulls of any Indian breed fit for getting dairy stock, there were two 1st and two 3rd prizes. Many, too, were the special prizes given to encourage the people to come forward freely with their cattle. The 1st prize for the best Indian bred cow in milk, suitable for getting dairy stock, fell to the lot of Mr. R. Hurri Row, of Madras, who exhibited a very fine Nellore cow. The cows which won the second and third prizes were the property of Mr. Alfred Arathoon, and seemed but little, if at all, inferior to Hurri Row's fine animal. The heifers formed an interesting part of the show, many of them being very handsome young animals with gentle fawn-like eyes. Among the owners of heifers competing, R. Hurri Row gained the 1st, and Chuckka Kotta-

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doo of Nellore the 2nd prize; and no fewer than nine extra and special prizes were awarded to other competitors, among whom Mrs. Robertson carried off a prize for a very fine brown half bred English heifer. Some of the Farm cattle, too, were exhibited, though they did not compete, and the large plough buffaloe was undoubtedly much the finest animal of his kind in the Exhibition. In the last shed on one side were a few country ponies, among which one, exhibited by Mr. R. T. Chisholm, was *facile princeps*. Apparow Mudali of Madras also showed some of his Pegue ponies, but there was no prize intended for ponies not of an Indian breed. The fowls exhibited were of many different breeds, and were generally well grown, and gave evidence of having been carefully reared. There were Dorking fowls, Cochin-China fowls, Brahmapootra fowls, Black Spanish fowls, and Country fowls, and the prizes were distributed among a large and eager field of competitors. Perhaps, however, the most interesting and important part of the Exhibition was the large hall in which were exhibited so many varieties of agricultural produce. There is no wonder that the land revenue should be the great pillar of the Revenue in Southern India. Notwithstanding the fierce heat of the sun, and the difficulty which always exists in procuring an adequate supply of water, the products of the earth in this country are so varied and so abundant, that even the vegetarian millions of the land have food at a fractional part of the value of grain in England. To an uninitiated observer, at least, the number of different sorts of paddy, cholum, raggy, grains, and pulses of all sorts, is quite bewildering; nor are his ideas rendered any clearer when he turns his attention to the various descriptions of oil-seeds. Fibres were very fairly represented: there were six specimens derived from plants belonging to the family of the Malvacæ, three belonging to the family of the Ficus, and one to the Madar. There was the Aloe fibre, and a fibre derived from the Crotalaria used in the manufacture of gunny bags, the Hibiscus Cannabis, and the Doenia Extensa resembling cotton. Some specimens of ordinary silkworm were exhibited by Messrs. Dymes and Co., and some Tassa silk cocoons by Dr. Shortt. The best coffee appeared to come from Khotergherry, and the best black tea from Mrs. Morgan's estate at Ootacamund.

This is, we are aware, a very brief and imperfect resumé of what was exhibited at Sydapet this year. We hope, however, that our readers may be able to gather from it what sort of articles were sent; and the point we would press upon them is not to consider anything too trifling to be shown, or anything not worth the trouble and expense of sending. The Committee, in the most liberal spirit, awarded extra and special prizes in all the different classes, with the express object of encouraging the people to exhibit, and in preparing for the Exhibition to endeavour to improve their produce to the utmost of their power. We notice that some of the Revenue authorities sent exhibits in their name for ryots of their district: this is, we think, an excellent idea, well calculated to give confidence to the ignorant and, perhaps, suspicious ryot, and to draw closer the ties which should always exist between the governing and governed classes. Is it not likely that a poor man will work all the harder and more cheerfully when he knows that his immediate representative of the Circar takes a kindly interest in him, and will do all he can to secure a reward, or honourable mention, for his labours. We feel persuaded that much power for good or for evil is exercised by the Revenue agency spread like a network over the land. If

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Collectors and their Deputies and Assistants only understood and appreciated their privileges, they would be the very strength of our Indian Empire: we should readily control the masses through the men with whom they were in daily contact, and who offered them that sympathy and aid which all in superior positions should afford to those around them. We fear there are but few Collectors who in any way approach our ideal. The whole education of young men at home, the prejudice and narrow-minded ideas they acquire in India, the press of work, and perhaps some faultiness in the character of the poor ignorant ryots, forbid it; but the happiest and best fashion of settling their disputes, attending to their petitions, assessing their kist, and granting their remissions is, no doubt, in the old paternal style, under the shade of some mighty tree, in the midst of the people, and with one's heart in the land of his adoption.

We are not without hope that a series of Agricultural Exhibitions held yearly in different districts will do much towards the object we have at heart. It would be a great assistance if some Collector or Assistant Collector could attend the Exhibitions, one from each district, in charge of some half dozen, or dozen, of its more intelligent ryots. It would be his duty to go round with his little group of followers, pointing out to them the various specimens, explaining to them the merits and defects of each, teaching them what to cultivate, what to avoid, instructing them in the advantages of deep ploughing, manuring, top dressing, and so on. It is needless to say that we presuppose a knowledge of the language of his district in each Revenue Officer appointed to this sort of work. Nothing gains by interpretation, least of all, a running *vivâ voce* commentary on a variety of subjects. Yet, though we would insist on a knowledge of the language, we would not advise the selection for this task of a Native Revenue Official; and this, not because the native might not know as much as the Englishman; nor because he would not much better probably adapt himself to the capacity of his countrymen's understandings; nor because we are of those who would unfairly and selfishly keep back Native Officials from all pleasant and honourable work; but simply because the highest born, the best educated, and kindest hearted native would not accomplish our object. What we wish for is the promotion of a substantially good feeling between the European, who finds himself here as one of a governing race, and the Hindoo who occupies the position of the governed. We would fain see the younger members, in particular, of our Civil Service learn the languages and study the past history and present customs of the people; and then, with the sound common sense and inflexible justice inherent in the character of an Englishman, they will make better administrators and better protectors of the people, than those who do not believe in the bright and good side of native character, and who affect to despise men as well born, and in some cases as well educated as themselves, though it be of a different race. Agricultural shows, too, would do much good in spreading knowledge from one district to another. The people are very slow in adopting new ideas, and some improvement in agriculture might be well known in one district and yet never spread to the next. By the moveable exhibitions to which we are alluding, improvement in agriculture, in the breeding of cattle, and so forth, would be brought home to the very doors of the people, and in a land so devoted to agriculture, would surely, in time, awaken a desire for more knowledge; and some

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little spirit of emulation with surrounding districts, might come in as a healthy spur to expel the present indifference and nonchalance that unhappily pervades the land.

The auction which was held at the close of the Exhibition is also a feature of importance, affording a ready means for the interchange of valuable breeds of cattle, sheep, pigs, &c., and for the purchase of improved seeds and specimens of the various grains, pulses, fodders, and so on. The sale of produce, together with the prizes won, would appeal powerfully to the mind of the ryot, and would compensate him for the time and trouble spent in preparing his exhibits and bringing them to the Show. That some of our ryots and cattle breeders do already understand something of this, is proved by the Nellore cattle breeders marching their valuable cattle a distance of some two hundred miles over execrable roads. We are not in a position to say what the result of the Exhibition has been in a financial point of view. We feel persuaded, however, that it can be no loss in the long run, and that an improved system of agriculture, and larger and more valuable crops, will in due time swell the ryots' earnings and the Government kist. But putting aside all interested and ulterior motives, it is evidently our duty to do all we can to improve and raise the condition of the people entrusted to our care. When so much of the wealth of India is absorbed by the Imperial Treasury and spent on objects of which the people know little and for which they care less, we must not dare to grudge anything in reason to the cultivator of the soil from whom all the revenue of the land and the support of the State are derived.

EXOTIC TOBACCO.

The Hon'ble J. D. Sim has very kindly handed us a lithographic print of an exotic Tobacco plant raised at Dindigul in the Madura District, which we regret we have not the means of reproducing in our journal for the benefit of our readers. It represents a splendidly grown plant raised by Captain Campbell on his plantation at Dindigul from Manilla Tobacco seed sent to him from Kew Gardens through Mr. Sim. It stands 9 feet and 4 inches in height; the length of the middle leaves is 32 inches, the breadth being 16 inches; and the plant is surmounted with a cluster of white flowers delicately tinted with a rose blush. If such plants could be multiplied on a large scale, Indian grown tobacco would soon take a very high place in the markets of Europe. No specimen approaching this was furnished to the recent exhibition at the Government farm at Sydapet. We apprehend, however, that care should be taken that the quality of the tobacco does not deteriorate in encouraging the larger growth of the plant.

HIGH COURT—MADRAS.

Innes, and Kindersley, J. J.

Suit for pagoda property—Rights of hereditary trustee and manager appointed by Government.

A sued to recover six villages from B on behalf of the pagoda and to declare the copper sasanam, on which B based his claim, to be a forgery. The Civil Judge found that the title to the villages was in the pagoda; but that as B had been placed in management by the Board of Revenue, he was entitled to hold them for life, while A, as trustee for the pagoda, had a reversionary title on his death. Both A and B appealed.

Held, *on the evidence, that A had proved his title to the villages as trustee for the Pagoda; that the sasanam on which B relied had only lately been produced, whereas if it were genuine it would have been constantly put in evidence in previous suits; that from internal evidence*

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it appeared to be a forgery; and that the Board of Revenue put B into possession believing him to be the hereditary manager; but they did not appoint him manager under Regulation VII of 1817, *or even if they did, such appointment was no bar to a contest of the title with a view to recover the property; and that if the manager sets up a title to the property, he takes the possession of a competitor and becomes liable to restore the property, if another man is found to have a better title.*

R. As. 95 *and* 123 *of* 1872.

Nellaikumura Pillay *v.* Nallathumbi Bhutter.

These were cross regular appeals from the decision of Mr. Francis Culling Carr, District Judge of Tinnevelly. The facts of the case fully appear in the following

Judgment:—10th November 1873.

Per Innes, J.—This was a suit brought by the trustee of the pagodas of Nallayapper and Kanthimathi Ammal for the recovery of six villages from the defendant on behalf of the pagoda, and to declare the copper sunnud, purporting to be an ancient grant, on which defendant leased his title, to be a recent forgery. There was also a prayer for mesne profits. The District Judge considered that the evidence sufficiently established that the title to the villages was in the temple and not in the defendant; but he was also of opinion that, as defendant had been lawfully placed in management by the Board of Revenue, he was entitled to hold the villages for life. He, therefore, declared plaintiff's reversionary title, as trustee of the temples, on the death of the defendant. In regard to the copper sunnud, he considered it unnecessary to determine whether or not it is a genuine instrument, as he was of opinion that there was nothing to show that it had ever been acted upon.

Defendant appealed from this decision as to the title, and plaintiff appealed as to the part of the decree which refused him immediate possession of the property.

It is conceded that the grant of the villages carried with it the obligation to perform certain ceremonial services in these temples. In other words, it is conceded that the temples have at least a charge upon the produce of the villages for this purpose. What the plaintiff contends is, that the villages appertain exclusively to the two temples, while defendant claims them subject to the aforesaid charge as an hereditary grant made to one of his ancestors and rightfully devolved on him, which, though taken possession of by the Government in 1858, was restored to him in 1859. The only substantial question is, whether plaintiff, as warden of the temples, can claim actual possession and management of the villages as the property of the temple. Taking the appeal of defendant, first, we may start with the admission that the person managing in 1838 was Vendramuthu Kumarasawmy.

Exhibit O. is the judgment in Original Suit No. 17 of 1819, in which the cousins of Vendramuthu Kumarasawmy Pandarum sued him for partition of eight villages, of which six are those claimed in the present suit. In this case, Vendramuthu Kumarasawmy Pandarum set up that the villages were the property of the Nallayapper pagoda, and that he was manager and not owner. It followed, if this were so, that the cousins could have no right to enforce partition. The decision was that he was not the owner. To arrive at that decision it was necessary to determine, and the Judge did determine, that the property was that of the Nallayapper pagoda, and that the defendant was merely a manager for the pagoda. The present first defendant was not a party to this suit; but the decision is a decision upon a public right, which is, as reputation, receivable in evidence against defendant, though not conclusive as evidence. In 1838 the villages were attached by the Collector as the property of the pagodas; and so held. The same person was then in management. The evidence that he was then managing as agent of first defendant fails entirely as the Judge has shown, and the presumption arises that he was managing on behalf of the temples, as he himself then asserted. Here, then, we have *primâ facie* evidence of a right of possession and management residing in the temples so far back as 1819 and up to 1838.

Then, how does defendant meet this? He relies on his sasanam (the copper grant); on his evidence to his lineal descent from the original grantor; on certain decisions of the Courts on the recognition of his title by Government in 1858; on long possession, and certain other evidence.

As to the sasanam, there is absolutely nothing to show that this document was even put forward till 1854, except the evidence of the witness Râmaiya (in Case 36), who says he recollects that it was produced before the Tahsildar in 1838, the year in which the villages were taken possession of by Government. Document P., which purports to be the order of the Tahsildar on the inquiry then made, is absolutely silent as to the sasanam, and this renders it almost a matter of certainty that it was not then brought forward. If it then existed and was shown to the Tahsildar in support of the title, defendant alleged, it would have been, if believed genuine, the most obvious evidence of that title, and both on this account and from the curiosity attaching to so ancient a document, it is in the highest degree improbable that it would have been kept in the back ground. Is it to be believed that from 1838 to 1854 the defendant would have been silent as to the existence of this evidence to the

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ancient grant if it had then had any real existence. For it is notorious how the possessors of endowments rely upon their sunnuds and take advantage of every opportunity of having them mentioned or referred to in public proceedings.

Internal evidence also, in the intermixture of foreign words with the text, leads strongly to the conclusion that the sasanam is a forgery.

Of the words referred to, Zumla, Sadarhi, and Vagaira, may be instanced, which have only come into use through the Mussulman Governments, and can hardly have been current in South India at the date which the copper document bears.

The sasanam and defendant's title, as derived from it, were, it is true, recognized by the Board of Revenue and the Government in 1858, but this recognition rested, as has been clearly shown in the judgment under appeal, upon no apparent foundation. As to the judgments from 1813 to 1866, on which defendant relies, the learned Judge of the Court of first instance has very carefully gone through them, and it is clear that the question of title, as between the temples and the defendant, has not, by any of those judgments, passed into *res judicata*.

As to the other evidence to title, R., purporting to be an agreement, in 1849, between first defendant and Vendramuthu Kumarasawmy Pandarum, the person who had managed up to 1838, was only produced in 1854, and if genuine, is but *res inter alias acta*, and cannot be used as evidence to negative the right of the temples or to establish defendant's title as between plaintiff and defendant. Besides, $S.^3$ indicates that R. was executed in the pagoda, and if so, the agreement with defendant was probably entered into with him in his capacity of trustee of the temple. Defendant says that the attachment of the lands in 1838 took place at his instance, and in consequence of a complaint made by him. No part of the proceedings in this matter is forthcoming, but if the circumstance alleged be true, it would seem to be strongly hostile to defendant's claims, as it is difficult to see what possible object he could have to gain in the seizure by Government of his own lands managed by his own agent.

But T.^{i}, which contains a statement of the pleas and facts in Original Suit No. 5 of 1854, seems to show that the real cause of the attachment of the villages was that the mortgagers of Vendramuthu Kumarasawmy Pandarum were appropriating all the revenues instead of paying them to the pagoda. If defendant were acting on behalf of the temple, it is easy to understand his applying to the Collector to defeat the misappropriations arising out of the unauthorized acts of the Pandarum in mortgaging; but in the capacity of proprietor, he could have no right to call upon the Collector to protect him by taking possession and management of the lands, and it is highly improbable that he would have done so. If, therefore, it was at defendant's instance that the Collector stepped into charge of the lands, the most natural inference is, that the application was made by defendant on behalf of the temple and not on his own behalf.

Exhibit XIV, if genuine, is important, as showing that, in 1840, defendant claimed no personal interest in the villages, where, if he had such an interest, it would almost necessarily have been referred to as existing. The District Judge says, that although defendant now denies this, he has most clearly admitted it in Document XII—a deposition given by him in Original Suit No. 50 of 1866. He admits having presented to the Collector an application which is therein marked and spoken of as 'C,' but it does not appear whether XIV is the document which was then shown him as C.

XIII also, the razinamah entered into by defendant and his brother on a partition of property, while it provides for the turns of duty of performing poojah and for the division of certain emoluments in connection with the fees taken in the temple, is altogether silent in regard to the right to the six villages. Conceding that such property would not be partible, yet in an arrangement between the members of the family as to the future enjoyment of the property appertaining to the family, all the property, whether partible or not, would ordinarily be marshalled and referred to, with observations calculated to determine its character as partible or impartible at the date of the arrangement. The omission to refer to this property appears to me to tell strongly against defendant's title.

III and IV are denied by defendant. Doubtless they would be very strong evidence against his title if genuine. The District Judge has believed them, and nothing was said in argument which should lead us to doubt the correctness of his decision as to these documents. They purport to be applications to be allowed to cultivate the land of these villages on certain terms. They were made in July 1839 and November 1840, one and two years, respectively, after the assumption of the villages by the Collector. In these there is not a word as to defendant's right, but in IV the right of the pagoda to the emoluments of the villages is clearly and strongly urged.

It appears to me from the evidence and the circumstances of the case, that the title to manage must reside in the pagoda if it does not reside in the defendant; that the evidence abundantly negatives the title of the defendant; that there is, besides, evidence that the possession in 1819 and up to 1838 by Vendramuthu Kumarasawmy was possession on behalf

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of the temple; and that that possession continued from 1838 till the surrender of the villages to defendant, as they were held in the interval by the Collector on behalf of the pagoda. It is difficult to understand why the managers of the temple did not come forward earlier. Prior to 1843 we have it in evidence that there were no dhurmakartas, which would explain why there was no remonstrance on the part of the temple in 1838, but the acquiescence in 1859 in the delivery of the property to defendant leads to a suspicion that those concerned abetted defendant in 1858-59 when he asserted his title—possibly with a view to obtain a share in the sums accrued in the hands of Government during the management.

But I think, for the reasons first given, that plaintiff is the person entitled to possess and manage the property as trustee of the temples, and I would affirm the judgment on this question.

No question arises of a bar by lapse of time, for, as the District Judge says in paragraph 25 of his judgment, the cause of action arose in January 1859, and the suit was filed within twelve years, namely, 9th December 1870.

We now come to the appeal of plaintiff, and it is necessarily to determine whether plaintiff is precluded from recovering, during the lifetime of defendant, by reason of the order of Government in 1858, placing defendant in possession.

The District Judge considers that defendant was lawfully appointed a manager, and that he cannot be ejected in his lifetime; but he has given plaintiff a decree declaratory of his reversionary title on behalf of the temple. The Board of Revenue had, in 1838, taken the endowment into direct management, and in placing defendant in possession in 1859, they simply made over the trust to the person whom they supposed to be entitled to hereditary management. But if they *had* treated him as the person absolutely entitled, this circumstance would not debar a rightful competitor from contesting the title. The Government, assuming to act within the law, could not create a valid title to more than they themselves possessed. They could not lawfully have resumed, nor had they affected to resume, this ancient endowment. They had simply taken over the possession and management of it, and this was all that they gave over to defendant.

By doing so they relieved themselves of the trust they had undertaken under Regulation VII of 1817, but I do not conceive that, by relinquishing the possession to first defendant, they thereby appointed him a manager under Regulation VII of 1817, as supposed by the Judge. Under the Regulation, a manager can only be appointed when no private person is found competent and entitled to manage the trust. But defendant was evidently, in the view of the Government, both competent and entitled, and possession was given to him not as manager appointed by Government, but as the person supposed to be hereditarily entitled to manage. But if we assume, for argument's sake, that he was appointed manager under the provisions of Section 12 of the Regulation, that is still no bar (see Section 14) to a contest of the title with a view to the recovery of the property. The words are "if the suit be "brought against a competitor, or other pri- "vate person for recovery thereof;" and if a person appointed manager sets up a title to the property, he takes immediately the position of a competitor, and becomes liable to restore the property, if another is found to have a better title.

I think that plaintiff is entitled to be at once placed in possession and management of the property to the exclusion of defendant. I would modify the decree accordingly and order an account of mesne profits from the commencement of Fusly 1279 (1869-70) to date of decree.

Per Kindersley, J.—I agree generally in the judgment of Mr. Justice Innes. My only doubt is whether the judgment in Original Suit 17 of 1819 was upon a matter of such general interest as to be good evidence against a stranger.

That suit was brought by a co-parcener to recover his share in what he alleged to be the family property in eight villages, of which six are now in question. The answer was in effect that the property was not family property, but was held in trust for the performance of certain services at the pagoda. It was decided that the property was not a family inheritance, but was held by the first defendant in that suit, Vendramuthu Kumarasawmy, in trust as an endowment of the Nallayapper pagoda. The decision appears to have been upon a family question of small interest to the villagers, and I have been unable to divest my mind of a doubt, whether with reference to the object-matter of the, suit or to the incidental decision in favour of the pagoda, the judgment can be held to be upon a question of such general interest as to be good evidence against Nallathumbi Bhutter, who was no party to it.

But this question has very little bearing on the determination of these appeals. It has clearly not been proved that Vendramuthu Kumarasawmy held the villages merely as the agent of Nallathumbi Bhutter; and all the proceedings of his time tend to show that Vendramuthu Kumarasawmy held the villages ostensibly as a trustee and not as an agent. And it is incredible that, if Nallathumby Bhutter was in possession of the copper grant, he would not have produced it when the villages were taken under the Collector's man-

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agement in 1838. If Nallathumbi Bhutter had been the person really entitled, he would certainly have objected to the attachment of the villages on account of the mismanagement of an agent removeable by himself. It has not been shown by any reliable evidence that the copper grant A had any existence prior to 1854, when it seems to have been produced for the first time; and I think we are right in regarding a document so produced with the utmost suspicion.

It is quite clear from Exhibit V-3 that the Government of Madras, on the 9th December 1858, ordered the villages to be restored to Nallathumbi Bhutter, not as a trustee or manager appointed under Regulation VII of 1817, but as the person whom the Government understood to be rightfully entitled to possession as the heir of the original grantee. The Government and the Board of Revenue acted under the impression that Nallathumby Bhutter's title had been admitted both by the Civil Courts and by the Revenue authorities. But it now appears that that impression was erroneous. Nallathumbi Bhutter having come into possession only in 1858, and having entirely failed to establish his title, I think the natural presumption must prevail that the endowment belongs to the temple in which the service was to be performed. And Nallathumbi Bhutter never having been appointed a trustee or manager under Regulation VII of 1817, I agree that he has not even a life-interest. The plaintiff, as the trustee of the pagoda, is, therefore, to be placed in immediate possession of the endowment, an account being taken as directed by Mr. Justice Innes.

I think that all the costs should be borne by Nallathumbi Bhutter throughout.

HER MAJESTY'S PRIVY COUNCIL.

[Bengal Case.]

Suit to recover timber—Evidence.

A, a timber merchant, sued to recover from B certain logs which he asserted B had forcibly taken from him. B pleaded that he had purchased the logs in question from the Government.

Held, *on the evidence, that A had proved his right to the timber; and that being the case, the amount of force used by defendant in taking the timber, which he admitted he did take, was quite immaterial.*

Judgment of the Lords of the Judicial Committee of the Privy Council on the appeal of Dheeta Hurrukman Singh *v.* Wodoy Chand Pyne and another, from the High Court of Judicature at Fort William in Bengal, delivered 10th December 1873.

Present.

Sir James W. Colvile.
Sir Barnes Peacock.
Sir Montague E. Smith.
Sir Robert P. Collier.

Sir Lawrence Peel.

This is an action brought for the recovery of damages for the wrongful taking or, as it may be called by English lawyers, conversion of a certain number of logs of timber.

The Principal Sudr Ameen found for the plaintiff. That decision was reversed by the High Court.

In order to make the case intelligible, some facts require to be stated. It appears that the Nepalese Government is in the habit of felling timber in their woods, of sending it to a station called Bhoosee, on or near to their frontier, and of conveying it down the Kamlah, a stream which communicates with the Ganges, and selling it to timber merchants. Next to Bhoosee is a station called Burraer, and next to that is a station called Chirryamarah. The plaintiff was a merchant in a very large way of business, having extensive establishments in different parts of India. Among other things, he was a timber merchant. His case was, that he bought a large lot of timber, between 3,000 and 4,000 logs, from the Nepalese Government, in the year 1860; that they were sent to Chirryamarah, and that they had there remained in his possession until the time of action brought, with the exception of certain portions of timber, which he accounted for in various ways: some had been sunk and lost, some had been sold at Chirryamarah, and some had been sent down to Calcutta. The residue which he claimed was 1,260 logs, which were at Chirryamarah, and which are alleged by his witnesses to have been his and in his possession; and further, it is alleged that no other person had any timber at that place at that time.

This case of the plaintiff, Dhurun Narain, was supported by his own evidence, and it is not altogether immaterial to observe that the Principal Sudr Ameen expresses himself as satisfied, from the demeanour and conduct of this witness, that he was telling the truth. It was confirmed by his manager, the person who

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brings the action in his name, and for him, and by several other witnesses. Among others, there are witnesses who prove that they were resident on the spot; that they were in the habit of acting for him and keeping his books, and they give evidence of the actual contract entered into by the plaintiff with the Nepalese Government, which is dated in September 1860, whereby it appears that he purchased a lot of 3,464 large logs of timber, together with some smaller pieces. These witnesses depose that these timbers came down from Nepal, and the challans are put in, which are the invoices, the documents which would be delivered to the boatmen who carried them down, and the receipts are put in of these various lots, which would be the documents given by the agents of the plaintiff to the boatmen upon the delivery of those lots. So this lot is satisfactorily traced down to Chirryamarah. The amount which actually came down to Chirryamarah was 3,453, or about that. These witnesses also prove that this quantity was diminished in various ways, that a certain number of logs were sunk, that a certain number were sold at Chirryamarah, and a certain number sent down to Calcutta, reducing the amount, not precisely, if the mere oral evidence is relied on, but approximately to that which the plaintiff claims, in fact, to somewhat more than the plaintiff claims.

But the plaintiff's case does not stop there. He puts in his books from 1860 to the time of action brought. They occupy a vast number of pages, and it may be that the printing of them at length was unnecessary. The effect of them would appear to be, to say the least of it, in a great degree confirmatory of the oral evidence. A summary is put in, which perhaps, of itself, would not be distinctly evidence, although it is spoken to by a witness who was cognizant of the transactions of his master, the plaintiff; but on looking through the various columns of this account, their lordships have come to the conclusion that, on the whole, though not precisely in every detail, it does support the case made on the part of the plaintiff by his oral evidence. It further appears that all this timber, according to the plaintiff's statement, had his own mark, a peculiar letter, which is described as a "g" in the Nagre dialect.

Their lordships have to observe that this case of the plaintiff appears to them, assuming the witnesses to be believed, and the document not to be forged, a very clear, and, they may add, a conclusive case.

But now comes the case of the defendant. He also dealt in timber, and his case is in substance this: that one Mookerjee had dealings in timber with the Nepalese Government; that the persons who acted principally on behalf of the Nepalese Government were, first, a person called Colonel Bukhtawar Sing, and secondly, a person called Lieutenant Gouree Dutt; that Mookerjee had various transactions with these persons; that he had bought a certain quantity of timber, but was unable to pay the necessary deposit, and thereupon they declined to deliver the timber; that he advanced money to Mookerjee and put himself in the place of Mookerjee; and that he arranged with the Nepalese Government for the delivery to him of a certain lot of timber (which may be stated approximately as 1,500 logs), some to be delivered at Chirryamarah, and others at the intermediate station of Burraer. His case is further this: that he received letters from Bukhtawar and Gouree Dutt, the effect of which is that this timber would be delivered to him. He does not say that any special lot of timber which could be ear-marked was agreed upon between them, but that they were under liability, which they themselves acknowledged, to deliver to him 1,500 logs. Three letters have been put in to prove this,—two from Bukhtawar and one from Gouree Dutt,—which the Principal Sudr Ameen regards as not genuine. Without deciding that point, it may be enough for their lordships to say that they do not find them to have been satisfactorily proved. The defendant was not called as a witness for himself as the plaintiff was for himself; nor was his brother,—a co-defendant on the record, who appears to have acted for him a good deal in his business,—called. The writer of the letters, Bukhtawar, was not called, nor Gouree Dutt, on the side of the defendant. Nor was direct evidence given even of the handwriting of those letters. Their lordships, therefore, so far concur with the Principal Sudr Ameen as to hold that these letters have not been satisfactorily proved. But further, the plaintiff says that there was another document, whereby Bukhtawar and Gouree Dutt directed two men, one of the name of Narain Mollah, and the other of the name of Tunga Mollah, who were custodians of the timber at the two stations, Burraer and Chirryamarah, to deliver all the timber at these stations to the defendant. It may be here observed that there does not appear to have been more than one lot at each of the stations. It is not the case of the defendant, "You, "the plaintiff, had a certain quantity of timber "at the stations and I had another," but "whatever was at the stations," the defendant says, "is mine;" "whatever was at Chirrya-"marah," the plaintiff says, "is mine." Now, with respect to this direction from Gouree Dutt, which is alleged, the letter containing it is not put in, although several witnesses speak to its contents. Gouree Dutt is not called by the defendants for the purpose of

proving this letter, but Gouree Dutt is called by the plaintiffs, and denies having written any such letter. It is to be observed that Gouree Dutt being in the box, and being called for the plaintiffs, not a word is asked him on cross examination with respect to the letter which he is said to have written to the defendants, nor with respect to the letters, of which he must have been cognizant if they were genuine, written by Bukhtawar to the defendants. The substance of the defendant's case is:—"I bar-"gained with the Nepalese Government for "1,500 logs of timber, and the Nepalese "Government directed the delivery to me of "this lot of timber amongst others." What timber he took from Burraer station is not material to the present question, the plaintiff only claiming that which lay at Chirryamarah.

Their lordships are of opinion that the defendant has not satisfactorily proved that, in point of fact, Bukhtawar and Gouree Dutt, on behalf of the Nepalese Government, did cause delivery of the timber to be made to him at this station of Chirryamarah. But assuming that they did, if the plaintiff's case be true, they would have no right to do it; the timber was his, and neither Bukhtawar nor Gouree Dutt could deal with it. The defendant's case, therefore, necessarily assumes that the whole of the plaintiff's case is false and fabricated, and the counsel for the defendants have not shrunk from that issue. Their suggestion is, that after the order to deliver this timber to the defendant, and after his taking it away, a dispute arose between him and the Nepalese authorities, with reference apparently to a very small matter, the amount to be paid for its carriage from some point to some other point, and that, in consequence of this dispute, Bukhtawar and Gouree Dutt caused this false action to be brought; that they put up the plaintiff to make an entirely false claim, and that the plaintiff lent himself to their views. It is very easy to suggest, but not so easy to prove such a case as this, against which there are strong probabilities. No sufficient motive can be suggested why the plaintiff, a man of considerable wealth and position, and apparent respectability, should lend himself to so gross a fraud. There is nothing upon the face of the documents which have been put in to show that they are forged, as the case of the defendants must assume them to be; and there is nothing, as far as their lordships are able to see, to impeach the oral evidence of the plaintiff. It may be observed that there are many strong probabilities against this supposed fraud and conspiracy. Among them may be mentioned, this:—The quarrel took place after the timber had been carried away by the defendant; according to the defendant's case, that timber all belonged to Bukhtawar and not a stick of it to the plaintiff. If so, how came the plaintiff's mark upon it? That is a difficulty which the defendant has not attempted to meet. It appears to their lordships that no sufficient ground has been shown for the imputation (which is a necessary part of the defendant's case) that the case of the plaintiff has been altogether fraudulent and got up; on the contrary, as far as their lordships are able to judge, they agree with the Principal Sudr Ameen in regarding that case as true and very clearly proved.

That being so, their lordships are of opinion that the judgment of the Principal Sudr Ameen was right, though it is not necessary for them to concur in every observation which he made.

But their lordships cannot help making one or two observations upon the judgment of the High Court.

Their lordships regret that they are unable wholly to understand that judgment, which appears to have been given under some misapprehension both of the questions to be tried and of the effect of the evidence. The High Court observed, "We may set aside the evi-"dence of witnesses No. 1 and 10 altogether, "for they do not, to any personal knowledge, "know of the forcibly taking of the timber in "question."

The witnesses No. 1 and 10, respectively, are Bindoo Lall Deeta and Major Nowan Sing, the two most material witnesses for the plaintiff, who prove, in substance, this:—that the timber in question was bought on behalf of the plaintiff; that it was brought down from Nepal; that portions of it were disposed of, and that what remains was in the possession of the plaintiff; witnesses whose evidence alone, if uncontradicted, would have proved a conclusive case for the plaintiffs. Their lordships are not able to understand the grounds on which the High Court dismisses this evidence as undeserving of consideration. The reason given by the High Court is, that they do not depose to the forcible taking away of any of the timber in question. This reason appears to their lordships to be based on a misapprehension, for if they prove that this timber was the property of the plaintiff, and, further, that it was in his possession, then there is no question whatever that the defendant took it away. He admits that he took it away, alleging that he had a right to do so; and whether he took it away with more or less force, is quite immaterial to the present action. The High Court, after making some further remarks on the evidence, proceed to observe:—"The first thing that "strikes us on reading and considering this "evidence is, that if the plunder lasted for the "number of days stated by the witnesses for "the prosecution, the steps taken by the party "in charge of the timber, and by the Nepalese "authorities, were wholly inadequate. The

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"plaint, too, shows that the first attempt to "carry off the timber was made on the 31st "May 1864;" and then they go on to say:— "Before this Court can give a decree for the "large sum claimed by the plaintiff, on the "allegation that the timbers were forcibly "carried off by the defendants, we must be "thoroughly satisfied, not only by the evidence, "but by the probabilities of the case, that the "defendants did carry off, as alleged, the tim- "ber in question."

There appear, indeed, to have been some proceedings in the Criminal Court relating to the alleged forcible taking off of these goods, to which allusion has not been made, because they appear to their lordships immaterial to the present inquiry. The only possible bearing they can have upon it is to suggest the inference, that if the plaintiffs were really in possession of the goods, they would not have submitted to their being forcibly taken away; that is an inference which might possibly be suggested, but which by no means outweighs the very positive and clear evidence which has been given of the possession by the plaintiffs.

The High Court go on further to say: "We "might stop here and, without going into the "defendant's case, holding as we do that the "plaintiff has failed to prove the case put by "him, have dismissed his case without further "comment." Their lordships are quite unable to concur in this view, for it appears to them that, taking the plaintiff's evidence to be true (which they see no sufficient reason to doubt), his case is not one which could be dismissed, but one which is conclusively established. The High Court further observe, "Taking there- "fore the case as the plaintiff himself puts it, "we are of opinion that he has wholly failed "to prove the forcible taking of the 1,260 "logs of wood by the defendants." Their lordships have only to repeat that this last is an immaterial issue. Supposing he had proved his property in, and possession of, the goods, the amount of force used by the defendant in removing them (which he admits himself to have done) was quite immaterial. To that question the Court appears to have devoted a good deal of consideration, but their lordships are unable to find in the course of the judgment that the Court have distinctly determined the real question in the cause, namely, whether the plaintiff had proved a case of property and possession of the goods, and if so, whether the defendant had displaced it by showing a better title in himself.

Under these circumstances their lordships will humbly advise Her Majesty that the decree of the High Court be reversed; that the judgment of the Principal Sudr Ameen be affirmed; and that the appellants have the costs below and of this appeal.

CIRCULAR ORDERS OF THE BOARD OF REVENUE.

No. VI.

STANDING No. 399-15.

STAMP GUMASTAHS TO BE ADMITTED TO BENEFITS OF UNCOVENANTED PENSION RULES.

Proceedings of the Board of Revenue, dated 7th February 1874, No. 244.

G. Os., dated 20th October 1873, No. 542, and 13th January 1874, No. 13.	"STAMP Gumastahs" are to be admitted to the benefits of the Uncovenanted Pension Rules.

No. VII.

STANDING No. 173-5.

RELINQUISHMENTS OF INAM LANDS—PROPORTION OF QUIT-RENT—EXCESS.

Proceedings of the Board of Revenue, dated 9th February 1874, No. 259.

IN supersession of paragraph 2 of the Board's Standing Order No. 173-1, Collectors are informed that they may permit partial relinquishments by inamdars of their inams even when the portion relinquished is less than a revenue field, provided the fraction given up in the revenue number is not less than one acre, and provided, also, that the part relinquished is in one block and not surrounded by the inam land retained. When entire revenue fields are given up, the relinquishments may be accepted without reference to the above restriction of one acre, but they should be rejected if the lands given up are so situated that they are surrounded by the inam lands retained, and cannot be conveniently taken by others for cultivation.

2. The quit-rent on the portion relinquished should bear the same proportion to its assessment as the entire quit-rent does to the assessment of the entire inam; but an exception should be made when a charge has been made on the inam on account of excess subsequent to the inam settlement under the Board's Standing Order No. 173. In this case, the portion relinquished, or so much of it as bears an assessment equal to the charge made on account of excess, should be treated as the excess relinquished and the quit-rent apportioned on the remainder, if any, as indicated above. For instance, if in an inam, assessed at 20 Rupees, and bearing a quit-rent of Rupees 12, consisting of 8 Rupees of quit-rent

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proper and 4 Rupees charged on account of excess, land assessed at 6 Rupees is given up, the quit-rent on the inam retained should be reduced to Rupees 7 as shown below :—

——	Assessment.	Quit-rent.		
	RS.	RS.	A.	P.
Original inam	16	8	0	0
Charge on account of excess	4	4	0	0
Total ...	20	12	0	0
Land given up—excess..	4	4	0	0
Inam	2	1	0	0
Total ...	6	5	0	0
Inam retained	14	7	0	0

No. VIII.

Standing No. 283-2.

Inspection of Taluk Treasuries by Treasury Deputy Collectors.

Proceedings of the Board of Revenue, dated 11th February 1874, *No.* 284.

The Board having observed from the reports of the financial officers, deputed by the Accountant-General, from time to time, to examine district treasuries, that mistakes are frequently commited in the taluk treasury accounts, which the Treasury Deputy Collectors have no means of finding out, they resolve, with the permission of Government, to requost Collectors to depute their Treasury Deputies occasionally for the examination of taluk treasuries and the accounts connected therewith, making temporary arrangements for the charge of the Huzur treasury during their absence.

G. O., dated 25th November 1873, No. 1,295.

2. It is not necessary that every taluk treasury should be inspected every year; but not less than half the number of the treasuries should be inspected annually, and the inspections should always be made without notice. Each treasury should be inspected at least once in two years.

3. The number of the treasuries inspected and the general state in which the accounts are found should be stated in the Land-revenue Settlement report every year.

4. The Deputy Collectors should also, during their stay at the taluk head quarters, send for as many curnums as possible with their original accounts, and see whether the accounts relating to the collections of revenue are kept according to rules.

No. IX.

Standing No. 137-3.

Power of Collectors to temporarily alter assessment.

Proceedings of the Board of Revenue, dated 17th February 1874, *No.* 348.

The following addition should be made to Circular Order No. XVII of 1873.—In any cases where the highest "dry" rate may exceed the assessment of the wet land thus cultivated with dry crops, the Collector may, at his discretion, temporarily affix the rate of the dry land adjoining or the rate charged on dry lands of similar quality.

2. In districts newly settled, the "dry" rate, corresponding to the particular "class" and "sort" which the land bears as "wet," should invariably be affixed; the respectivo "dry" and "wet" grouping being, of course, maintained.

OFFICIAL PAPERS.

Rules—Land Improvement Act.

Revenue Department, Ootacamund, 11th June 1873.

Rules made by the Governor of Madras in Council with the previous sanction of the Governor-General in Council under the Land Improvement Act, 1871, Section 18.

Advances of Rupees 100 and upwards under these rules may be made from such sums as the Governor-General in Council may, from time to time, allot to the local Government, or as may be otherwise at its disposal, for the purpose of such advances.

II.—Applications for advances under the Act shall be made in writing, and shall be on stamped paper of the value of eight Annas. They shall

be presented to the Collector, or to any officer anthorized by the local Government to receive such applications.

III.—Applications shall be presented in open Court by the applicant in person, or by some person duly authorized by him in this behalf. Each application shall be signed by the person presenting it, and shall be attested by two witnesses in the presence of the officer to whom it is presented.

IV.—The application shall state—

1*st*, the name of the applicant, his profession, parentage, tribe or caste, and residence;

2*nd*, the amount of the advance applied for, and whether the applicant proposes to supplement it by any private capital, and, if so, to what extent;

3*rd*, the nature and description of the work for which the advance is required;

4*th*, the estimated total cost of the proposed work, and the probable period that will be occupied in its construction;

5*th*, the village and local revenue sub-division in which the land to be benefited is situated, the position, character, and area of such land, and, should it consist, in part or wholly, of numbered and measured fields or plots, the numbers of the same;

6*th*, the advantages, pecuniary or other, expected to result from the work;

7*th*, the manner and extent to which the proposed work will affect (favourably or injuriously) adjoining or other lands;

8*th*, the nature and extent of the applicant's rights or interests in the land to be benefited, or in any other land offered as security for the repayment of the advance, and whether there are any, and if so what, incumbrances on such rights and interests;

9*th*, the amount and number of the instalments by which the advance is to be repaid, principal and interest, and the dates on which these instalments are to be paid; and

10*th*, the security tendered for the repayment of the advance.

V.—When the amount of the advance exceeds Rupees 500, the application shall be accompanied by a rough plan and estimate of the proposed work; and, where it exceeds Rupees 5,000, by an accurate plan, specification, and estimate.

VI.—If the applicant is unable to furnish such plans, estimates, or specifications, the Collector may cause them to be prepared on behalf of the applicant. Before ordering such preparation, the Collector may, if he thinks fit, require the applicant to deposit such sum of money as may, in the opinion of the Collector, be sufficient to cover the cost, or he may call on the applicant to give security for the repayment of the same.

VII.—When a written application is found to have omitted any of the particulars required by Rule VI., the officer receiving it may either return it to the applicant for correction, or record on it the information that is wanting from the applicant's verbal statements. In either case, such addition to the application must be signed and attested as required by Rule III.

VIII.—If the Collector considers that there is *primâ facie* reason to believe that the application should be granted, he shall cause it to be entered in the register of applications, and shall order a local inquiry to be made. If he is of opinion that the application should not be granted, he shall reject it.

IX.—There shall be a local inquiry in every case. Where the advance exceeds Rupees 250, such inquiries shall be conducted by the chief revenue officer of the district, or by any of his subordinates of not lower grade than a Tahsildar, or similar official, to whom he may entrust the duty. The officer charged with making the local inquiry shall, at least one week prior to the date on which he proposes to hold the same, post up in one or more conspicuous places in the village in which the land to be benefited by the proposed work is situated a notice setting forth briefly the nature of the advance applied for, and the date on which he proposes to hold an inquiry on the spot as to the correctness of the facts alleged in the application. The person charged with posting such notice shall read it, or cause it to be read publicly to such of the principal inhabitants of the village as may be present, and shall, on a copy of the notice (which he shall subsequently return to the officer issuing the notice), obtain the signatures of the village headmen, accountant, policemen, or other local officials, or respectable inhabitants, in acknowledgment of its having been publicly read. In all cases where the proposed advance does not exceed Rupees 250, the local inquiry shall be conducted by such persons and according to such rules as the local Government may, from time to time, prescribe.

X.—No fees shall be charged for the service of this or any other notice where the proposed

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advance does not exceed Rupees 500. Where the advance exceeds Rupees 5,000, the service of any notice may be charged for at a rate not exceeding that required for the service of civil process; and where the advance falls between these limits, it shall not exceed half this latter rate.

XI.—Prior to the local inquiry, the Collector shall cause to be tested, by comparison with his official records, all statements in the application which can be so tested, and cause to be stated in writing the extent to which such records agree with, or differ from, the application; and any such difference shall be specially investigated at the local inquiry.

XII.—On the day fixed by the notice, or, should the day first fixed be unavoidably postponed, on that fixed by some subsequent notice, the officer charged with the duty shall proceed to the spot, and, after assembling the parties more immediately concerned, any local officials, and some of the respectable agriculturists of the place, he shall proceed to examine the site of the proposed work, he shall test the accuracy of each of the statements set forth in the application, and shall ascertain and record everything that may be necessary to enable the Collector to arrive at a correct decision.

XIII.—The officer charged with the conduct of the local inquiry may summon at the cost of the applicant any person whose evidence may be considered necessary, and whose attendance cannot otherwise be secured, and may exercise such powers as Revenue Courts possess for the purpose of summoning witnesses. A record shall be made by such officer of all objections made to the proposed work or advance, and of all evidence bearing on such objections.

XIV.—On the completion of the inquiry, the officer by whom it was made shall forward to the Collector the whole of the papers connected herewith, together with his own opinion and recommendation.

XV.—On receipt of the papers, the Collector may, in any case, and when the proposed advance exceeds Rupees 5,000 shall, obtain from the proper officer in the Madras Department of Public Works, in such manner as the local Government may direct, an opinion as to the feasibility, probable cost, and merits generally, from a professional point of view, of the proposed work.

XVI.—If, on a review of results of the local inquiry and of the professional opinions, if any, that have been obtained, and after such further investigation as he may consider necessary, the Collector is not satisfied that the advance is desirable, and that it can be made under the Act and these Rules, he shall reject the application, recording his reasons for the same.

XVII.—If the Collector is satisfied that the advance may properly be made, he shall grant a certificate for the advance applied for, or for such smaller sum as he may consider sufficient for the purpose specified in the application, or shall report the case for the orders of higher authority in accordance with the provisions of the next following rule.

XVIII.—If sufficient sums have been placed at the disposal of the Collector for the purpose, he may grant such certificate for an advance not exceeding Rupees 500. The Board of Revenue may, subject to the same condition, grant such Certificates for an advance not exceeding Rupees 5,000, but not exceeding Rupees 10,000, will require the sanction of the local Government. If the proposed advance exceed Rupees 10,000, the previous sanction of the Governor-General in Council will be required.

XIX.—When a certificate is granted, it shall be endorsed by the applicant to the effect that he has understood and agreed to all the terms, and it shall be signed by him before, and be attested by, two witnesses. If any property, other than property of the applicant, is pledged or mortgaged as security for repayment of the advance, the certificate shall be similarly endorsed, signed, and attested by the sureties and witnesses; and if the applicant is a tenant, without transferable interest in the land to be benefited, the certificate shall be signed by his landlord and attested by two witnesses other than the landlord.

In all cases in which land or property other than the land to be benefited is hypothecated as security for the repayment of the advance, the certificate must bear the stamp required for mortgages under the Stamp Act for the time being in force, and must, in all cases in which, if the transaction were a private one, registration would be requisite, be registered under the Registration Law at the time in force.

XX.—The certificate shall be retained in the office of the Collector; one copy shall be given to the applicant; and when advances are made payable at any tahsil or other subordinate district treasury, a copy of such certificate shall be sent to such treasury. All certificates issued in any financial year shall bear a serial number.

XXI.—No advance shall be made for an improvement which is likely, so far as can be ascertained, to injure the property of any parties who have not consented to its execution.

XXII.—No project shall be divided. After an advance has been sanctioned, and the whole or part thereof expended, a second advance for the same work shall not be made without the sanction of the local Government.

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XXIII.—No advance shall be made, unless the value of the security accepted exceeds by at least one-fourth the amount of the advance.

XXIV.—Subject to the orders of the local Government, the Collector shall make provision for the proper inspection of works in course of construction for which advances have been made, and for ascertaining and securing that such advances are duly applied to the purpose for which they were made.

XXV.—The works and any accounts kept thereat shall be at all times open to the inspection of the Collector or other person authorised by him in that behalf.

XXVI.—In the case of advances exceeding Rupees 5,000, accounts shall be kept by the recipient of the advance in any form that the Collector may, with the sanction of superior authority, from time to time, prescribe.

XXVII.—If at any time the Collector is satisfied that any person who has received an advance has failed to perform any of the conditions under which it was made, the Collector may, after recording in writing the grounds for the decision he has arrived at, and subject to the control of the Board of Revenue, proceed to recover from such person, or from any security for such person under the provisions of the Act, any sums which remain due, together with any interest payable thereon.

XXVIII.—All works for which advances are made in a lump sum shall be inspected and reported on within one month of the date on which their completion was directed in the certificate. All works for which advances are made by instalments shall be inspected and reported on before each instalment subsequent to the first is paid, and such inspection shall take place at latest within one month of the date when such instalment is payable.

XXIX.—Except with the special sanction of the local Government, no advance of any sum not exceeding Rupees 500 shall be made, unless it be repayable with interest within seven years from the date fixed for the completion of the work; and no advance exceeding Rupees 500 shall be made, without such sanction, unless it be so repayable within twelve years. If, in any case, the proposed period of repayment exceeds twenty years, the sanction of the Government of India to the proposed advance must be obtained.

XXX.—The interest charged on advances shall for the present be one Anna per annum on the Rupee, or $6\frac{1}{4}$ per cent per annum.

By order of the Right Honourable the Governor in Council.

R. A. DALYELL,

Acting Secretary to Government.

Grants-in-aid to Agri-Horticultural Societies.

Proceedings of the Madras Government, Revenue Department, 12*th January* 1874.

Read the following Extract from the Proceedings of the Government of India, in the Department of Agriculture, Revenue, and Commerce, dated Calcutta, the 18th December 1873, Nos. 9—621-626:—

[*Agriculture and Horticulture.*]

Read—

Circular No. 156—160, from the Government of India to the Governments of Madras, Bombay, and the Punjaub, and the Chief Commissioners of the Central Provinces and British Burmah, dated the 15th May 1873, asking for a succinct account of the operations of the Agricultural Societies in those provinces during the past five years, showing clearly what benefits the societies have conferred on the agriculturists of the provinces, or on the general public, and what grounds exist for the continuance of the present grants from Imperial funds.

Replies from—

Madras, No. 1,176, dated 25th October 1873.
Bombay, No. 2,567-104-G., dated 22nd July 1873.
Punjaub, No. 1,145-F., dated 30th July 1873.
Central Provinces, No. 2,097-86-A., dated 1st July 1873.
British Burmah, No. 972-149, dated 23rd October 1873.

Observations.

His Excellency the Governor-General in Council observes that the Agricultural and Horticultural Societies in the several provinces enumerated above receive the following annual sums from Imperial revenues as grants-in-aid of their operations:—

	RS.
Madras	3,900
Bombay	3,000
Punjaub	5,400
Central Provinces	1,200
British Burmah	1,200

The Bombay Society is stated to be defunct, and its garden has been taken over by the municipality of Bombay, who have been allowed to appropriate allotment for the current year, after which it will be discontinued.

From a perusal of the reports submitted by the other Governments and Administrations, His Excellency in Council is of opinion that the grants at present made to these societies may properly be continued, and that the

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action of the societies has been upon the whole useful to the communities among which they have been established. His Excellency in Council, however, desires that the expenditure of the Government grant may be carefully supervised by the local authorities, and it may be borne in mind that the operations of the societies should be directed rather to the advancement of agriculture and horticulture among the native population, and the introduction and naturalization of species and staples of general utility, than (as in some instances appears to have been too much the case) to the embellishment of the station where the society's garden is, and the supply of fruits and vegetables, flowers and seeds, to the European subscribers. At the same time the Government of India does not wish that the latter object should be altogether neglected: for while the degree to which the society subserves the general interests of the community at large forms its only title to assistance from Imperial revenues, the efficiency of its working and its continued progress are probably more likely to be secured by the support afforded to it and the interest taken in it by Europeans, than if it were devoted entirely to the supply of the wants of natives of India.

His Excellency in Council desires to be furnished at the end of five years with a report showing how far these objects have been carried out in each province for which a grant is made, and how far the continuance of the grant is justified by the results attained.

Order.—Ordered that this resolution be communicated to the Governments of Madras and the Punjaub, and to the Chief Commissioners of the Central Provinces and British Burmah for information and guidance, and to the Government of Bombay, with the remark that the Bombay Agri-Horticultural Society being now defunct, His Excellency the Governor-General in Council concurs with His Excellency the Governor that the allowance made to the Society may be discontinued from the close of the present year.

Also that a copy be sent to the Financial Department in continuation of Office Memorandum No. 19, dated 11th February 1873.

(True Extract.)

(Signed) A. O. HUME,
Secy. to the Govt. of India.

Order thereon, 12th January 1874, No. 43.

Communicated to the Committee of the Agri-Horticultural Society with reference to G. O., 25th October 1873, No. 1,175.

(True Extract.)

(Signed) D. F. CARMICHAEL,
Secretary to Government.

MISCELLANEOUS.

THE DROUGHT IN BENGAL—THE SPIRIT IN WHICH TO MEET IT.

THE failure of the rains in Behar and the Lower Provinces threatens to involve the Government once more in the embarrassments, and the people in the horrors of famine; and a timely notice of the subject recalling the errors which hitherto have marked our treatment of these calamities cannot be out of place in these columns. In the first place then, we have generally mistaken the nature of Indian famines. In Orissa there was a real insufficiency of food in the Province, when we had once allowed its ports to be closed by the monsoon; and no power on earth could save them after that. In Rajpootana again, the other day [1869-70], it was not food that first failed the people, but *water;* and in the earlier stages of the famine they died of thirst rather than of hunger. In general, however, it is the actual want neither of food nor of water that is the distinguishing feature of Indian famines, but the want of *work.* The failure of the rainfall reduces the whole class of agricultural labourers in the district to a condition of enforced idleness. The earth is iron and there is no work for the labourer, at the very moment when prices are at famine range. Now, if famine is coming upon us in Bengal, it will in all human likelihood be a famine of this order. The food reserves in the Provinces are probably extensive enough for the people's real wants, but, they will reach famine prices; and the question is—how to make them available for men who have no money to buy, and no work by which they might earn the money to buy. We have never hesitated in the judgment we have expressed as to the duty of the State in such emergencies. A people dying of starvation in the actual presence of food, is one of those horrible anomalies which a weak, hide-bound Government may tolerate, but no other. If the food reserves are *there,* the people can and must be fed, let the cost be what it may. And here we come across the most patent and the most unworthy of our errors. Until within the last two or three years, we have ever met these calamities in the wrong spirit. We have looked at them persistently as involving the loss of so much revenue, so much money, instead of fixing our regard upon the saving of the people's lives, with an unwavering resolution that let the cost be what it may, the people shall not die. There is nothing more cruel in civilization than the spectacle of a powerful Government in time of famine weighing its revenues against the lives of its subjects, and allowing the latter to kick the beam. And *that* is what we have ever done in India in the presence of famine until within the last two

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or three years, during which our passionate remonstrances upon the subject have been bearing fruit. If food is in the country, and the people are allowed to die of starvation in its presence, the entire executive administration that suffers them so to die deserves impeachment. Does not every one see that in presence of such a calamity, all so-called "rights of property" are from the nature of the case in abeyance, and that the State is bound to *take* from the well-to-do whatever may be necessary to save the people alive? And it is in this spirit only that famine can be successfully encountered. The difficulty of the "distribution" of the food remains; and it is all but overwhelming. The timely opening of public works for the employment of the able-bodied, and of local committees for the maintenance of the infirm and aged, with judicious regulations for compelling the people to stay in their villages, or to remove to appointed centres, when the district food reserves are insufficient, seem to be the only measures we can adopt. If there is an actual deficiency of food in the province, it may be beyond even the power of the State to save the people. For you cannot *carry* food, because of its enormous bulk, upon any scale in a country like India without railways, canals, and even common roads; indeed in no country, let their communications be as perfect as they may. The very earliest point to determine therefore with reasonable certainty, is the extent of the food reserves in the afflicted districts: for if *they* are insufficient, the people must migrate. There is no help for it. The food cannot be carried to them; and they must go to the food. In Rajpootana, the people did not attempt to migrate until they were starving, and then they had to march through a tract exhausted beforehand. The result was that they perished by the road-side in tens of thousands. We have yet to see a famine in India met and fairly surmounted by resolute governmental action; and we shall see it, when the conditions of success are once clearly understood, unless it should come upon a scale very different from any that has yet befallen us. There has been no famine in our time—1847—1873—that might not have been successfully encountered by the State. But success is impossible, if the lives of the people are to be weighed against the cost of saving them. There should be but one rule of conduct in such emergencies; and at the head of every Circular Order that leaves the Government, there should stand—*The State will condone all mistakes but that of letting the people die.*—V, *Indian Economist*, October 1873, p. 57.

ACT OF THE GOVERNMENT OF INDIA.

THE following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 7th August 1873, and is hereby promulgated for general information:—

ACT NO. XII OF 1873.

An Act for the Repeal of certain obsolete Enactments.

Preamble.

Whereas it is expedient that the enactments mentioned in the schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; it is hereby enacted as follows:—

Enactments in schedule repealed.

1. The enactments described in the schedule to this Act are hereby repealed to the extent mentioned in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act, or Regulation in which such enactment has been applied, incorporated, or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office, or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived, by, in, or from any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage, or practice not now existing or in force.

Short title. Commencement.

2. This Act may be cited as "The Repealing Act, 1873;" and it shall come into force on the passing thereof.

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SCHEDULE.

PART I.—STATUTES.

Year and Chapter.	Subject, Title, or abbreviated Title.	Extent of Repeal.
7 Jac. I, Cap. 5*...	Suits against Justices of the Peace and other Officers.	The whole Act, so far as it applies to British India.
21 Jac. I, Cap. 12...	Making perpetual 7 Jac. I, Cap. 5.	Do. do. do.
29 Car. II, Cap. 3...	An Act for prevention of Frauds and Perjuries.	Sections 13, 14, 15, 16, 17, 22, 23, and 24, so far as they apply to British India.†
8 and 9 Wm. III, Cap. 11.	An Act for the better preventing frivolous and vexatious suits.	The whole Act, so far as it applies to British India.
24 Geo. II, Cap. 44.	An Act for the rendering Justices of the Peace more safe in the Execution of their Office, &c.	Do. do. do.
33 Geo. III, Cap. 52.	An Act for continuing in the East India Company for a further Term, the Possession, &c.	Section 28.
42 Geo. III, Cap. 85.	An Act for the trying and punishing in Great Britain Persons holding public employment, for Offences committed abroad, &c.	Section 6, so far as it relates to suits in British India.
53 Geo. III, Cap. 153.	An Act for continuing in the East India Company, for a further Term, the Possession, &c.	Sections 97 and 121, and Section 123, so far as it relates to suits in British India.
2 and 3 Vic., Cap. 34.	An Act to confirm certain Rules and Orders of the Supreme Courts of Judicature at Fort William and Madras, &c.	The whole.
3 and 4 Vic., Cap. 37.	An Act to consolidate and amend the laws for punishing Mutiny, &c.	Sections 43 to 47 (both inclusive).

PART II.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
VIII of 1836...	Bengal—Personal disabilities and privileges.	So much as has not been repealed.
XXII of 1836...	Eastern Canal Tolls	The whole.
XXV of 1836...	Warehousing ports	So much as has not been repealed.
XVI of 1837...	Custom-house	Do. do. do.
XXV of 1837...	Bengal Judiciary system	Do. do. do.
XXXII of 1838...	Bengal—Justices of the Peace ...	Do. do. do.
VII of 1839...	Madras Tahsildars	The first ten words of Section 2.
I of 1841...	Puttidari estates	The whole Act, so far as it applies, or is applicable, to the territories subject to the Lieutenant-Governor of the Punjaub.

* Entitled as of the 7th and 8th Jac. I, in *The Statutes: Revised Edition*, London, 1870.

† The reference is to the sections as printed in *The Statutes: Revised Edition*, London, 1870.

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PART II.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*(Continued.)*

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
XIII of 1841...	An Act for explaining the provisions of Act No. XXV of 1836.	So much as has not been repealed.
XVII of 1841...	Appeals in Sudr Courts (Bengal).	Do. do. do.
XXIX of 1841...	An Act for amending such parts of the Bengal and Madras Codes as concern the Dismissal of Suits and Appeals for neglecting to proceed in the same.	The whole.
VI of 1843...	Jurisdiction and Procedure of the Courts of Ameens and Munsiffs.	Do.
VII of 1843...	Madras Courts	Sections 26, 44, and 47.
XV of 1843...	Uncovenanted Deputy Magistrates.	So much as has not been repealed.
XXV of 1843...	An Act for making the provisions of 5 & 6 Vic., Cap. 47, Section 11, applicable to India	Do. do. do.
IX of 1844...	Suits in the Courts of Principal Sudr Ameens and Sudr Ameens.	Do. do. do.
I of 1845...	Sales of land for arrears of revenue.	The whole Act, so far as it applies to the territories subject to the Lieutenant-Governor of the Punjaub.
III of 1845...	An Act vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.	The whole.
XIV of 1845...	Munsiffs (Bengal Presidency) ...	Do.
XVI of 1845...	Re-admission of Appeals after Dismissal under Act XXIX of 1841.	Do.
XVII of 1845...	Enforcement of the Attendance of Witnesses in the Courts of the Munsiffs within the Presidency of Fort William	Do.
XIX of 1845...	Assam Tea Company	Do.
IV of 1846...	Sale of Land in Execution of Decrees in the territories subject to the Presidency of Fort William.	Do.
XVII of 1847...	An Act for remedying a Defect in the Law regarding undiscovered Defaults in the Prosecution of Suits.	Do.
VII of 1848...	Customs Duties	So much as has not been repealed.
XIII of 1849...	An Act to prevent the smuggling of Salt into Calcutta	The whole.

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PART II.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*(Continued.)*

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
VIII of 1850...	Confirmation of decisions on certain appeals.	The whole.
X of 1850...	Aden	Do.
XV of 1850...	An Act to extend the operation of Sections 10 and 12, Regulation XXVI, 1814, of the Bengal Code.	Do.
XXXI of 1850...	Bombay Salt Revenue	Sections 1 and 2.
XXI of 1852...	Bombay Deputy Collectors ...	Section 2.
XXVI of 1852...	Procedure in the Courts of the Sudr Ameens and Munsiffs in the Presidency of Fort William.	The whole.
XXIX of 1852...	Circuits of Judicial Commissioners (Bombay).	So much as has not been repealed.
VI of 1853...	Summary Suits (Bengal) ...	Section 9.
X of 1853...	Amending Act XXII of 1836 ...	The whole.
XV of 1853...	Procedure in cases of regular Appeals to the Sudr Courts in the Presidency of Fort William in Bengal.	Do.
XVI of 1853...	Special Appeals	Do.
IX of 1854...	Appeals in the Civil Courts of the East India Company.	Do.
X of 1855...	Evidence	Section 9.
XXIX of 1855...	Customs	So much as has not been repealed.
XI of 1856...	Desertion	In Sections 2, 5, 6, and 7 the words "Joint Magistrate."
XII of 1856...	An Act to amend the Law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	In Section 3 the words "with the sanction of the Court of Sudr Dewanny Udalut," and in Section 5 the first nineteen words, and in Section 10 the words "under such general directions as may from time to time be prescribed by the Sudr Court."
VII of 1857...	Uncovenanted Agency	The whole Act, so far as it relates to Deputy Magistrates.
VI of 1859...	Ahmadabad Magistracy	The whole.
XV of 1860...	Calcutta Canal	Do.
XVIII of 1863...	High Court, Fort William ...	So much of the title and preamble as relates to oaths.
XXIII of 1865...	Punjaub Chief Court	The whole.
IV of 1869...	Divorce	In Section 58 the words "United" and "and Ireland," and in Section 59 the word "United."
X of 1869...	Police Superannuation Funds ...	The whole.
IX of 1870...	Elphinstone Land Company ...	Do.
XI of 1870...	Weights and Measures	Do.
XII of 1870...	Native Passenger Ships	Section 3, down to and including the words "repealed; and."
XIV of 1870...	The Repealing Act, 1870 ...	The whole.
XXIII of 1870...	Coinage	Section 2 and the schedule.
XXV of 1870...	Timber duties, Burma	The whole.
XXVI of 1870...	Prisons	Section 2 and the schedule.
XXVIII of 1870...	Commitments from Andamans ...	Section 2.

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PART II.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL—*(Concluded.)*

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
IV of 1871...	Coroners	Section 2 and the first schedule.
V of 1871...	Prisoners	Section 2 and the schedule.
VI of 1871...	Bengal Civil Courts	Sections 2 and 23 and the schedule.
IX of 1871...	Limitation	Section 2 and the first schedule.
X of 1871...	Excise	Section 2 and the schedule.
XIII of 1871...	Tariff	Section 9 and Schedule C.
XX of 1871...	Punjaub Local Rates	Section 1, from and including "inclusive" down to and including "Acts."
XXVI of 1871...	Land Improvement Act	Section 2 and the schedule.
XXIX of 1871...	Bengal Regulations Repeal ...	The whole.
XXXIII of 1871...	Punjaub Land Revenue	Section 63 and the second paragraph of Section 67.
XI of 1872...	Foreign Jurisdiction and Extradition.	Section 2 and the first schedule.
XVII of 1872...	Postponement of Act X of 1872...	The whole.
XXIV of 1872...	Repealing Bombay Regulation XIII of 1827, Sec. 34, Clause 9.	Do.
III of 1873...	An Act to consolidate and amend the law relating to the Civil Courts of the Madras Presidency subordinate to the High Court.	Section 2 and the schedule.
IV of 1873...	Municipal Committees in the Punjaub	In Section 2 the first paragraph, and in second paragraph the words "But" and "the said."
V of 1873...	Government Savings' Bank ...	Section 2.
VIII of 1873...	Irrigation, Navigation, and Drainage in Northern India.	Section 2 and the schedule.
IX of 1873...	Appeals and Reviews of Judgment in the Punjaub	Section 2.
X of 1873...	Oaths	Section 2 and the schedule.

PART III.—ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
V of 1863...	Madras Pier	Section 17.
VI of 1863...	Schools	Section 28.
I of 1864...	Ports	Sections 1 and 6.
II of 1864...	Arrears of Revenue	Sections 65 and 66.
III of 1864...	Abkari	Section 34.
VI of 1865...	Seals	Section 2 and the first eight words of Section 1.
VIII of 1865...	Recovery of rent	Sections 89 and 90.
VI of 1867...	Land Revenue (Madras Town) ...	Section 2.
VII of 1867...	Port dues	Section 1, and the first twenty-three words of Section 15.
IX of 1867...	Madras Municipality	Section 1.
I of 1868...	Neilgherry Hills Commissioner ...	Section 13, and the first twenty-four words of Section 1.
II of 1869...	Repealing Act	The whole.
V of 1869...	Jails	Section 1.
V of 1871...	Amending Madras Act IX of 1867.	Section 4.

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PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
II of 1862...	An Act for extending the Powers of Municipal Commissioners, appointed under Act XXVI of 1850.	Section 4 and the first six words of Sections 2 and 3.
IV of 1862...	Markets and Fairs	The first six words of Section 1.
V of 1862...	Bhagdari and Narwadari Tenures.	In Section 1 the words "from and after the passing of this Act." The first seven words in Sections 4 & 5.
IX of 1862...	An Act for further amending Act XXVI of 1850.	The first eight words of Section 1.
X of 1862...	An Act to amend Sec. 45, Clause I, of Regulation XIII of 1827.	The preamble, and in Section 1 the words "Sessions Judge or other."
I of 1863...	An Act for the Registry of Vessels and Levy of Pilotage Fees on the River Indus.	In the preamble, from and including the words "And whereas" down to and including "Sind." Sections 16 and 19.
IV of 1863...	An Act to amend Act XV of 1858 for the levy of Port-dues in the Port of Aden.	Section 1, and Section 2 down to and including the figures "1863."
VI of 1863...	Public Conveyances in the Town, Suburbs, and Harbour of Bombay.	Sections 33 and 38.
VII of 1863...	An Act for the Summary Settlement of Claims to exemption from the payment of Government Land Revenue, &c.	Sections 1 and 27.
VIII of 1863...	Kurrachee Court of Small Causes.	The whole.
IX of 1863...	An Act for the prevention of Adulteration of Cotton and the better Suppression of Frauds in the Cotton Trade in the Presidency of Bombay.	Section 1, and the first twenty-two words of Section 4.
XI of 1863...	An Act for taking a Census of the Bombay Presidency.	The whole.
XII of 1863...	An Act to remove any doubts which may arise as to the legality of acts done and proceedings held in the Collectorate of Sattara, between the 1st January and 14th April 1863, both days inclusive.	Do.
III of 1864...	An Act to repeal Clause 4 of Section 2 of Regulation V of 1830, and Sec. 1 of Reg. VIII of 1831.	Do.
IV of 1864...	Repeal of enactments relating to Native law-officers.	Do.
V of 1864...	An Act to give Mamlutdars' Courts jurisdiction in certain cases, &c.	The preamble down to and including the figures and words "VI of 1830; and." Section 2. In Section 20 the words and figures "as defined in Chapter II of Regulation XVI of 1827."
VI of 1864...	Diet-money of persons imprisoned by the Bombay Court of Small Causes.	Section 1.

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PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL—(*Continued.*)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
I of 1865...	An Act to provide for the survey, demarcation, assessment, and administration of lands held under Government, &c.	Section 1 from and including the words "and shall" to the end. Section 50.
IV of 1865...	An Act for the regulation of Mofussil Gaols and the enforcement of discipline therein.	Section 1. Section 2, down to and including the word "operation." Section 41.
VI of 1865...	An Act to authorize the destruction of useless Records in certain Courts of the Bombay Presidency.	In the preamble from and including the words "and whereas" down to and including "useless records." Section 2.
II of 1866...	An Act to divest Courts of Revenue of jurisdiction in certain cases, &c.	Sections 1, 4, 7, and 8.
III of 1866...	Gambling	Section 15.
V of 1866...	Repealing Bombay Regulation XVI of 1827, Section 10.	The whole.
VII of 1866...	An Act to limit the liability of a Son, Grandson, or Heir of a deceased Hindoo for the debts of his ancestor, &c.	Section 3. Section 4 from and including the words "and the provisions" to the end. Section 8.
VIII of 1866...	Sale of Poisons	Section 1 and the first twelve words of Section 3. Section 22.
IX of 1866...	An Act to authorize the extension of certain Regulations and Acts to territories in the Bombay Presidency not subject to the General Regulations.	Section 1 and the first twelve words of Section 2.
X of 1866...	An Act to shorten the language used in Acts of the Governor of Bombay in Council, &c.	Sections 8 and 9.
XI of 1866...	Port-dues	Section 1.
XII of 1866...	Courts in Sind	So much of Section 12 as extends Act V of 1840. Sections 18, 19, and 20.
II of 1867...	An Act to amend (Bombay) Act No. XIV of 1866.	The whole.
V of 1867...	An Act to amend the Schedule annexed to Act No. XII of 1866 (Bombay).	Do.
VII of 1867...	District Police	Section 2.
VIII of 1867...	Village Police	Section 2.
IX of 1867...	Sale of spirituous and Fermented Liquors in the City of Bombay.	Sections 1 and 16.
I of 1868...	An Act to repeal Section 3 of Act XXI of 1852, and to remove doubts, &c.	Section 1, and in the Title the words and figures "to repeal Section 3 of Act XXI of 1852, and."
II of 1868...	Public Ferries	Section 1.
III of 1868...	An Act to amend the Schedule annexed to Act No. V of 1867 (Bombay).	Section 1, down to and including the words "repealed and."
IV of 1868...	Application of (Bombay) Act I of 1865 to Towns and Cities.	Sections 16 and 20.
I of 1869...	Bhore Ghaut Accident	The whole.

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PART IV.—ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL—*(Concluded.)*

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
III of 1869...	An Act to provide in the Presidency of Bombay funds for expenditure on objects of local public utility.	Section 14.
VI of 1869...	Inspection of Steam Boilers in the City of Bombay.	The last sentence of Section 11. Section 15.
I of 1870...	Repealing Certificate Tax ...	The whole.
II of 1870...	Official seals of the Magistrates ...	Sections 1 and 3.
I of 1871...	An Act to provide for the cost of Police employed in Towns and Suburbs where Act XXVI of 1850 is in force.	Section 4.

PART V.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
II of 1862...	Amending Act XLII of 1860 ...	The whole.
III of 1862...	Land Revenue	Section 1.
VII of 1862...	Resumption of Revenue	Section 1.
VIII of 1862...	Zemindary Dâks	Section 1.
IV of 1863...	Amending Act XXII of 1860 ...	In Section 1 the words and figures "The schedule annexed to Act XXII of 1860 is hereby repealed, except as to any proceedings pending at the time of the passing of this Act: and."
VI of 1863...	Calcutta Municipality	Sections 1 and 5.
II of 1864...	Jails	Sections 1 and 20.
V of 1864...	Canal Tolls	Section 19.
VI of 1864...	Inspection of Steam-boilers ...	Section 13.
VII of 1864...	Salt	Sections 2, 42, and the schedule.
I of 1865...	Acts of Judge of 24-Parganas ...	The whole.
II of 1865...	Repealing Bengal Act IX of 1862.	Do.
V of 1865...	Amending Bengal Act II of 1864.	Section 1, and in Section 2 the words and figures "Sections 5, 15, and 19 of the said Act II of 1864 are hereby repealed, and."
VIII of 1865...	Sale of under-tenures	Sections 2 and 18.
I of 1866...	Amending Bengal Regulation VI of 1819.	Section 1.
IV of 1866...	Calcutta Police	Section 2.
V of 1866...	Hackney Carriages	Section 1.
VI of 1866...	Amending Bengal Act VI of 1863.	Section 1.
IX of 1866...	An Act for the more effectual punishment of persons resisting lawful apprehension or escaping from legal custody, &c.	The whole.
III of 1867...	Ships in Ports	Section 20.
VI of 1867...	Police	Section 14.
IX of 1867...	Amending Bengal Acts VI of 1863 and VI of 1866.	Section 23 and the schedule.
XI of 1867...	Calcutta Police rates	Section 15.
I of 1868...	Survey of Steamers	Section 19.

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PART V.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL—*(Concluded.)*

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
III of 1868...	Appeals under Bengal Regulation VII of 1822.	Section 2.
IV of 1868...	Amending Act IX of 1847. ...	Section 1.
V of 1868...	Hastings	Section 2.
VII of 1868...	Arrears of land-revenue	Section 29 and Schedule E.
I of 1869...	Cruelty to animals	Section 8.
I of 1870...	Calcutta Water-rate	Section 1 and the schedule.
III of 1870...	Transfer to Civil Courts of certain pending suits.	The whole.
IV of 1870...	Court of Wards	Section 87.
V of 1870...	Calcutta Port Commissioners ...	Sections 93 and 94.
II of 1872...	Jute warehouses	Section 3.

PART VI.—MADRAS REGULATIONS.

No. and Year.	Subject.	Extent of Repeal.
II of 1803...	Collectors.	Sections 3 and 4.
II of 1820...	Publication of certain Sections of 53 Geo. III, Cap. 155.	The whole.

PART VII.—BOMBAY REGULATIONS.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
I of 1827...	A Regulation for forming into a regular Code all Rules that may be enacted for the internal government of the Territories subordinate to the Presidency of Bombay.	So much as has not been repealed.
II of 1827...	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and officers thereof.	Chapter I. In Section 47, Clause II, the words and figures "as provided in Regulation III, A. D. 1827, Section 3, Clause II." Appendix C. In Section 50, Clause IV, the words "unless such Court be subordinate to that of the Zillah Judge, in which case it shall be imposed by his immediate authority." Section 52, Clause V. Section 53, Clauses I and IV. Section 54, in Clause I, from and including the words, "unless such Court," down to the end of the clause; and, in Clause II, from and including the words "and the Court," down to and including "decrees."

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PART VII.—BOMBAY REGULATIONS—(*Continued*)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
V of 1827...	A Regulation defining the Limitations, as to time, within which civil actions may be prosecuted, &c.	The preamble down to and including the words "instituted and," and in the preamble the words "for the calculation of the interest of money, and for limiting the amount thereof, and:" and the words "to have effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose." Section 13, and Appendix A.
VIII of 1827...	A Regulation to provide for the formal recognition of Heirs, Executors, and Administrators, &c.	In the preamble, the last twenty words. Section 2, Clause II. Section 6. In Section 10, Clause II, the words and figures "in the manner prescribed in Regulation IV, A. D. 1827, Section 8, Clause X," "local currency," "Bombay Courier, or other."
XII of 1827...	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, &c.	Section 19, Clause VI, from and including the words "and if the Magistrate," down to the end of the clause. In Section 37, Clause II, the words and figures "by imprisonment in commutation," and "in Regulation XIV, A. D. 1827, Section 9."
XIII of 1827...	A Regulation for defining the Constitution of Courts of Criminal Justice, and the Functions and Proceedings thereof.	The preamble. Section 31, Clause III. Section 32, and the 1st and 2nd Clauses of Section 33.
XIV of 1827...	A Regulation for defining crimes, and offences, &c.	So much as has not been repealed.
XVI of 1827...	A Regulation defining the duties of the Collector, and his powers in regard to Subordinate Revenue Officers, and providing Rules for the guidance of Land Revenue Officers in General, throughout the Territories subordinate to Bombay.	In the preamble the last seventeen words. Section 11, Clause IV. In Section 14, Clause II, the words "to the Judge." In Section 15, Clause II, the words "through the Judge, who shall be bound to forward the same." In Section 23, Clause II, the word "the" before "stamped," and the words and figures "specified in Appendix (F) to Regulation XVIII, A. D. 1827." In Section 26, the words and figures "as required by Regulation VII, A. D. 1827, Section 4, Clause III." In Section 27, Clause III, down to and including the words "IV, and." Appendix A.

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PART VII.—BOMBAY REGULATIONS—*(Continued.)*

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
XVII of 1827...	A Regulation for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue, &c.	In the preamble, from and including the words "that the Collector," down to and including the words "revenue officers."
		In the preamble the last seventeen words.
		In Section 2, Clause I, the words and numbers "under any of the provisions contained in Chapters IX and X of this Regulation."
		In the same section, Clause II, the words "or in the enactments therein cited."
		In Section 4, Clause III, the words "by Regulation."
		In Section 5, Clause I, the words "according to the Regulation."
		In Section 12, Clause VII, the words and figures from and including the words "in Regulation," down to and including the word "sections."
		In Section 14, the words and figures "of Regulation IV, A.D. 1827, Section 70."
		Section 16, Clause IV.
		In Section 26, Clause V, the words and number "before the Collector, according to the provisions of Chaptor VIII," and the words and number "according to the provisions of Chapter VIII."
		In Section 27, the words and number "instituted before the Collector according to the provisions of Chapter VIII."
		Section 29, Clause II.
XIX of 1827...	A Regulation for the Presidency prescribing Rules for the Assessment and Collection of the Land Revenue, and for Collecting Taxes on Shops and Stalls, &c.	In the preamble the last twenty words.
		In Section 3, Clause II, the words and figures "which is as prescribed in Chapter I, Regulation V, A.D. 1827."
		Section 7, Clause I, from and including the words "the amount" down to the end of the clause.
		Section 8, except the first fifteen words.
		In the preamble the last sixty-four words.

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PART VII.—BOMBAY REGULATIONS—*(Continued.)*

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
XXI of 1827...	A Regulation for Collecting Customs on Opium and other specified Articles, &c.	In Section 7, Clause I, the words "or criminal judge," Clause II, the word "Bombay." In Section 9, Clause III, the words "local currency." In Section 46, Clause II, the words "for the benefit of the Company." Sections 49, 50, 51, 52, and 53. Section 65, Clause III. In Section 66, Clause II, the words and number "as prescribed in Section 47, Clause V. In Section 68, Clause I, the words "by the Regulations." In Section 71, Clause I, the last thirty-three words.
XXII of 1827...	A Regulation to declare and define Military Authority, in its relations to the Civil Power and to the community at large.	In the preamble, the words from and including "that Camp followers" down to and including "power." In the preamble, the last seventeen words. Section 23, except the first twenty-two words. In Section 25, Clause III, the words and number "in the mode described in Section 5, Clause I." In Section 26 the words and number "in Section 9 of this Regulation." In the same section, Clause III, the word "Bombay." In Section 32, Clause I, the word "Bombay," and the last twenty-four words of this clause. In Section 42, Clause IV, the word "both," and the words "and the Court of Sudr Foujdary Udalut." In Section 49, Clause I, the word "Bombay."
XXV of 1827...	A Regulation for the Confinement of State Prisoners and for the Attachment of the Lands of Chieftains and others, for Reasons of State.	In the preamble the last twenty words. Section 4, Clause I. In the same section, Clause II, the words "or the Judge on circuit."
XXVII of 1827...	A Regulation for abolishing the Zillah Court of Broach, and for attaching the Districts composing the Broach Zillah to the Zillahs of Surat and Kaira.	So much as has not been repealed.
XXVIII of 1827...	A Regulation for fixing the Date from whence certain Regulations passed on the 1st January 1827 are to take effect.	The whole.

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PART VII.—BOMBAY REGULATIONS—(Continued.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
XXXIV of 1827...	Nawab of Surat	The whole.
IV of 1828...	Stamps	Do.
IX of 1828...	Repealing Regulation I of 1828 and part of Regulation XXVII of 1827.	Do.
X of 1828...	Repealing Regulation II of 1828 and part of Regulation XXVII of 1827.	Do.
XI of 1828...	Assistant Judges	Do.
XIV of 1828...	A Regulation for levying a Toll at the Sion Causeway, &c.	Do.
IV of 1830...	A Regulation rescinding such parts of Regulation XII of 1827 as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	So much as has not been repealed.
V of 1830...	A Regulation providing for the Appointment of a Revenue Commissioner, &c.	In the preamble, the words "to have effect from the date of promulgation."
VII of 1830...	A Regulation for bringing under the Operation of the Regulations, the territories comprised in the Southern Mahratta Country, belonging to the Honourable Company, &c.	Sections 3 and 4.
XIII of 1830...	A Regulation for vesting certain Jaghiredars, Surinjameedars, and Inamdars with the power of deciding Suits within the Boundaries of their respective estates.	In the preamble, the words "to have effect from the date of promulgation." In Section 2, Clause II, the words "to the deputy agent or assistant judge, as the case may be." In Section 5, the words and figures "under the rules provided in Chapter XXII, Regulation IV of 1827, for the admission of special appeals."
XV of 1830...	A Regulation for rescinding and re-enacting, with Modifications, the Provisions contained in Regulation VI, 1818, &c.	The whole.
XVIII of 1830...	A Regulation providing for the Appointment of a Joint Judge within the Zillah of Poona.	Do.
XX of 1830...	A Regulation for relaxing the Restrictive System in regard to the Sale and Purchase of Malwa Opium, &c.	In the preamble, the words "to have effect from the date of promulgation." Section 1. Section 2, Clause III, the words and fiures "leviable under Regulation XX of 1827."
I of 1831...	A Regulation for extending the Jurisdiction of the Agent of Government, acting under the provisions of Section IV, Regulation XXIX of 1827, &c.	In the preamble, the words "to have effect from the date of promulgation." In Section 1, Clause I, the words "*First*, it is hereby declared that" and the words and figures "and which under the provisions of Section 31 of Regulation XVII of 1827 are within the jurisdiction of Collectors of land revenue." Section 1, Clause II.

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PART VII.—BOMBAY REGULATIONS—*(Concluded.)*

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
X of 1831...	A Regulation providing for the Recognition of the Vechania and Gerania Tenures as sufficient Title, for the exemption of Lands from the payment of Revenue, &c.	The whole.
XV of 1831...	A Regulation providing Rules for the punishment of Patels of Villages, in case of their falsifying Revenue Records.	In the preamble, the words "to take effect from the date of promulgation."
XVI of 1831...	A Regulation for extending the Jurisdiction vested in the Political Agent in the Southern Mahratta Country, &c.	In the preamble, the words "to have effect from the date of promulgation," and the first five words of Section 1.
II of 1832...	A Regulation providing for the realization of certain Items of Revenue from Farmers thereof.	In the preamble, the words "and land," and "transit duties," and the last eight words. In Section 1, the words "land customs, transit duties."
V of 1833...	A Regulation for declaring all Hereditary District and Village Officers, when entrusted by virtue of their Offices with the charge or collection of the Public Money, to be officers of Receipt, and liable to certain Penalties for embezzlement, &c.	In the preamble, the word "fourth" and the last eight words. In Section 3, the word "fourth." In Section 4, the words and figures "In extension of the provisions of Section 18 of Regulation XVI of 1827, it is hereby declared that."
I of 1834...	Repealing Regulation V of 1828...	Section 1, and the 2nd Clause of Section 2.

PART VIII.—BENGAL REGULATIONS.

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
II of 1793...	A Regulation for abolishing the Courts of Maal Udalut or Revenue Courts, &c.	Sections 2, 19, and 48. In Section 3 the second sentence.
IX of 1793...	Apprehension and Trial of Persons charged with Crimes or Misdemeanours.	So much as has not been repealed.
XVIII of 1793...	A Regulation for preserving complete the Records of the Civil and Criminal Courts of Judicature, &c.	Do. do. do.
XXI of 1793...	A Regulation for establishing in each Zillah an office for keeping the Records in the Native Languages which relate to the public Revenue, &c.	The whole.

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PART VIII.—BENGAL REGULATIONS—(Concluded.)

No. and Year.	Subject, Title, or abbreviated Title.	Extent of Repeal.
III of 1794...	A Regulation for exempting Proprietors of Land (with certain Exceptions) from being confined for Arrears of Revenue, &c.	Section 22.
XVIII of 1795...	A Regulation for extending to the Province of Benares Regulation XVIII, 1793, &c.	The whole.
XXX of 1795...	A Regulation for extending to the Province of Benares Regulation XXI, 1793, &c.	Do.
LVIII of 1795...	A Regulation for granting to the Collectors a Commission on the Jumma of Lands, &c.	The whole Regulation, except Sections 3 and 4.
VII of 1797...	A Regulation for abolishing the Office of Commissioner at Backergunge, &c.	So much as has not been repealed.
V of 1804...	Native Officers	Sections 25 and 26.
XIV of 1805...	A Regulation for the Administration of Justice in Civil Cases in the Zillah of Cuttack.	The whole Regulation, except so much of Section 11 as has not heretofore been repealed.
XVIII of 1806...	Eastern Canal Tolls	The whole.
VI of 1814...	A Regulation for modifying certain Parts of Regulation IX, 1810, and Regulation I, 1812.	So much as has not been repealed.
XXVI of 1814...	A Regulation for modifying some of the Rules at present in force regarding the Admission and Trial of Special and Summary Appeals, &c.	Do do. do.
I of 1819...	A Regulation for replacing the Districts of Dinagepore and Rungpore under the management of the Board of Revenue, &c.	Sections 1, 2, and 3.
II of 1819...	Resumption of Revenue	Section 19, Clause II.
IV of 1821...	A Regulation for authorizing a Collector of Land Revenue or other Officer employed in the Management or Superintendence of any Branch of the Territorial Revenues, to exercise, in certain cases, the powers of Magistrate, &c.	Sections 2, 3, and Section 8, Clause IV.
VIII of 1824...	Tolls on certain rivers	The whole.
XIV of 1825...	Lakhiraj tenures	Section 5.
III of 1828...	Special Commissioners for hearing appeals from revenue authorities.	Section 9.

(Signed) WHITLEY STOKES,
Secy. to the Government of India.

Re-published by order of the Right Honourable the Governor in Council.

(Signed) W. HUDLESTON,
Chief Secretary.

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